

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK**

MARK SAM,

Plaintiff,

-against-

COHEN & SLAMOWITZ, LLC, MITCHELL SELIP,
MITCHELL G. SLAMOWITZ, and DAVID A.
COHEN,

Defendants.

Index No. 1:14-CV-00611-JTC

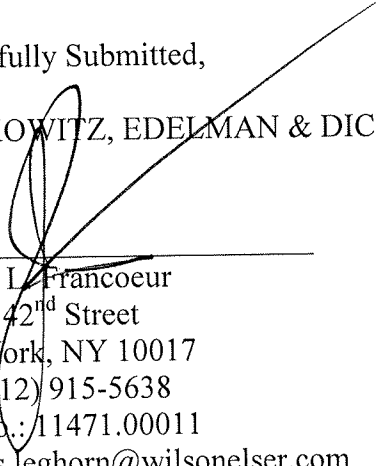
**NOTICE OF CROSS MOTION
FOR JUDGMENT ON THE
PLEADINGS**

PLEASE TAKE NOTICE that, upon Defendants' COHEN & SLAMOWITZ, LLC, MITCHELL SELIP, MITCHELL G. SLAMOWITZ, and DAVID A. COHEN (collectively "Defendants") Memorandum of Law in Support of Defendants' Motion For Judgment On the Pleadings, pursuant to Federal Rules of Civil Procedure 12(c), and in Opposition to Plaintiff's Motion for Class Certification dated October 17, 2014, the Affirmation of Joseph L. Francoeur dated October 17, 2014, and exhibits annexed thereto, and all other papers and proceedings in this action, Defendants move this Court at a time to be determined by the Court, at the United States District Courthouse for the Western District of New York, 2 Niagara Square, Buffalo, New York 14202, before the Honorable John T. Curtin, for an Order pursuant to Rule 12 of the Federal Rules of Civil Procedure, granting judgment on the pleadings in Defendants' favor, dismissing all claims against Defendants, with such other and further relief as this Court may deem just and proper. Defendants intend to file and serve reply papers.

Dated: New York, New York
October 17, 2014

Respectfully Submitted,

WILSON, ELSER, MOSKOWITZ, EDELMAN & DICKER LLP

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